

THE MORNING APPEAL.

SATURDAY.....MARCH 16

THE GARDNER DIVORCE CASE.

A Series of Accusations and Very Emphatic Denials.

The defense was taken up again yesterday morning and Miss Lulu Pratt, of Carson, was placed on the stand. Witness lived with defendant in '91 and '92. "Mr. Gardner was always kind to his wife; the house was well supplied with provisions; he never spoke cross to her."

When cross examined witness admitted hearing Mrs. Gardner say she wished she was dead instead of her sister, who died during that time. (Counsel objected and was sustained by the Court.)

Mr. Pierce hardly knew whether Mr. and Mrs. Gardner boarded with him or not, rather thought they didn't. Witness knew Gardner was working in 1893, and performed a man's labor in the hay field. Knew of Perry and Douglas visiting Mrs. Gardner when husband was away. The Court asked as to the number of times he saw Douglas and Perry visit Gardner's house when Gardner was absent; said he saw Douglas call several times; Douglas lived near Gardner.

Windeler knew Everett; had seen plaintiff in company with him going to and coming from church. He knew of the woman who kept house for Everett; "she was a bad woman." Witness had seen Mrs. Gardner in company with Perry two or three months before the separation; saw them together at Pierce's store. The next time he saw them together Perry was driving and asked witness to ride with him to occupy the seat in the buggy so that he would not have to take Mrs. Gardner when he drove back with the baby, which he had out for a ride.

When they drove up to Gardner's house Mrs. Gardner came out and leaned against the buggy, his elbow on her shoulder and they had hold of each others' hands. Mrs. Gardner asked to be taken out riding that evening, but Perry said he had promised to take witness out. Presumed Perry would rather ride with him than Mrs. Gardner.

Had told Douglas and others what he would testify to regarding Gardner's character. Admitted that Mrs. Gardner's aunt was present when the buggy event took place; thinks she was about 80 feet away.

Mrs. Gardner was called in rebuttal. She stated that she never accompanied Mr. Everett to church alone; they all walked to church together twice, and her mother and aunt were of the party on both occasions.

"I deny that Mr. Perry held my hands or leaned on my shoulder. He borrowed my buggy and took the baby out for a drive. When he came back he wished me to ask mother to let my aunt go riding with him. She refused and he said he would take both of us."

"Do you remember one evening when you and your husband came home he found a note under the door addressed to you, and what did it contain?"

"Yes, it was from Mr. Perry."

"Did he not say in the note that he had attended the meeting of the Good Templar's lodge and you were not there and he asked you to go next time?"

"He did, because my brother had had some trouble in the lodge."

The court here asked Mrs. Gardner if it would not be possible for herself and husband to adjust their difficulties and live together again. She replied that it would not; that they could not get along and that she had no affection for him.

Mrs. Rodgers was recalled and told the story of how herself and daughter went to the house of M. Gardner, in this city, and found the child sleeping and took it from the cradle, how an Indian boy who was living with Gardners' came out and jerked the reins from her daughter's hand, and how he threw her down when she got out of the buggy to make him let go the reins and Jim Gardner came up and took the child away from them with whip upraised to strike his wife, and calling them "curs of h—!" and other names not published in first class family journals, etc.

When questioned regarding the intimacy between their family and Perry she said they had known him since a baby and he was a very dear friend of their daughter, who died. Arguments will be heard the 23d of this month.

ARMS IN THE SENATE.

THE DESKS COVERED WITH IMPLEMENTS OF WAR.

After the threatened melee in the Senate a few days ago, Skaggs, who has a keen sense of humor, introduced a resolution calling on the Sergeant-at-Arms to search the members for concealed weapons.

On Thursday some wags got into the State Museum, where there is an

armory of old curios in the shape of ancient fire arms. These were taken out and sent into the various members by the messenger boys. The first was a big pepper box six shooter of the old Mexican pattern, and was laid on Skaggs' desk. Then a buccaneer horse pistol of the Caribbean sea piracy type was deposited on Sumnerfield's desk. Next a rusty relic of Morgans' raid on the Spanish Main with a flint lock, was placed in front of Comins. Then came a conquest of Mexico blunderbuss with the initials of Cortez on the barrel, which was donated to the President pro tem. Boyle got a large cutlass stained with the blood of some of the Marmalukes, which the Crusaders did up in the Middle Ages, and a dirk which had been used by the Mafia society in Italy was doled out to Richards.

The arms were distributed about the Chamber during the reading of Becks Purity of Election bill, in order that the members might kill the clerk if his reading grew tiresome. The merriment occasioned by the incident, however, kept the members in good humor, and otherwise relieved the tedium of a bill of 60 pages, and the Senate adjourned without blood shed.

A SENSATIONAL SUIT.

DAMAGES ASKED FOR AGAINST THE WESTERN UNION FOR \$5,191.

Clarence Stone of this State has sued the Western Union Telegraph Company for \$5,191 25 damages alleged to have been received for the failure of the agent of the Telegraph Company to deliver a message to C. W. Stone, living at Cantrille, Iowa.

It is alleged in the complaint that on the 7th, of November 1893, the plaintiff received a dispatch from his father in Cantrille, Iowa, stating that his sister was dying and to come at once.

Plaintiff replied by wire that he would leave on the next train. He paid 75 cents for the dispatch and also an additional fee of 50 cents to insure a more rapid delivery. When he reached Cantrille he found that the dispatch had never been received, and that his sister was buried. His father did not postpone the funeral, because he had received no reply from Wadsworth. Plaintiff's railroad fares and expenses were \$191 25, and he asks damages to the sum of \$5,191 25.

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The Overland Flyer.

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